

## ARTICLE

# Heteropatriarchal Suppression: Examining Societal Norms Fuelling the Exclusion and Discrimination of LGBTQ Community in Lesotho

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### Abstract

The notion of homosexuality in Sub-Saharan African countries has been demonized and rejected based on the assumption that it is both unnatural and alien to African customs and practices. As a result, LGBTQ individuals continue to face stigmatization and discrimination which often translates into verbal, physical and sexual violence. Nevertheless, gender progressive movements such as the Matrix Support Group, have made progress in demystifying misconceptions about LGBTQ community as an attempt to end homophobic attitudes and to negotiate the acceptance of these sexual minorities in African societies. Despite such efforts and developments, heterosexual individuals in Lesotho continue to treat sexual minorities with hostility due to their ignorance about sex, sexuality and gender, thus fuelling hatred towards members of the LGBTQ community. Research has mainly focused on the negative effects of discrimination and stigmatization of homosexuals but overlooked the fundamental cause of homophobia in Lesotho. By employing the content analysis method, this paper provides a systematic analysis of Lesotho's patriarchal system and its bearing on sexual minorities by exploring the intersectionality of homosexuality, patriarchy, and homophobia. It argues that the constant use of derogatory terms which instigate hate-crimes and discrimination of sexual minorities not only hinders a positive change of attitude but prevents a shift from misguided conceptions about homosexuality. This paper concludes that the revision of power relations and legal interventions aimed at prohibiting stigmatization and violence against homosexuals are imperative in ensuring the protection and recognition of LGBTQ people's rights in Lesotho.

**Keywords:** Homosexuality; Homophobia; Heteropatriarchy; Lesotho; LGBTQ; Discrimination

## 1. Introduction

Lesbian, gay, bisexual, transgender, and queer people (commonly known as the LGBTQ community) continue to endure backlash globally from heterosexual individuals whose understanding of the notions of sex and gender is strictly orthodox, and thus restricted to the binary conception of sex in terms of men and women. In Africa, traditional values and religious beliefs continue to influence and fuel negative attitudes directed towards those whose sexual preference and gender identity deviates from the norm. Sex remains a taboo topic in Lesotho; and this is manifested through the ignorance Basotho people exhibit where it pertains issues concerning sexual orientation and gender identity.

Lesotho, otherwise known as the Kingdom in the sky, is a country located in Southeast Africa and it is entirely landlocked by its neighbouring country, South Africa. In Lesotho, as it is the case in other African Countries, it is socially acceptable for one to identify as either female or male since these binary sex labels are assigned to an individual at birth based on their external genital anatomy. Apart from the anatomical features which determine the sex of an individual, Letsoela (2008, 2) points out that in Lesotho, both Basotho 'males and females have different socio-cultural statuses and the expectations of the society' which determine their behaviour and the nature of activities they ought to perform. The clearly defined gender roles in Basotho culture have a bearing on one's gender identity for they mark the transition point between the two classes of sex membership, and thus eliminating the presence or possibility of other sexual orientations.

African societies are primarily Hetero-patriarchal. Fatherhood is perceived as more superior than womanhood and as such, heterosexual males exert dominance on both their female counterparts and non-heterosexual people. Patriarchy has privileged men by subjecting women to subordination and this has resulted in a hetero-patriarchal social order which has been naturalized as what is normal (Kelley and Arce-Trigatti 2022, 256). Heterosexual African males reject the existence of queer masculinity as this is taken to undermine the status of men in society. To assert and prove their dominance in African communities, heterosexual males disassociate themselves from gay men and often perpetuate homophobic acts against homosexual people in general.

Social stigmatization, discrimination and exclusion of gender non-conforming individuals is prevalent across the continent of Africa. Conservative traditional leaders, devout religious representatives, and political candidates are actively making anti-gay comments and stirring hatred and violence against sexual minorities in African communities. Myths conveying anti-gay sentiments that have been used to instigate hostile attitudes against non-heterosexuals range from assertions about homosexual tendencies being incompatible with African traditional practices to being un-Biblical (Reid *et al.* 2005, 200).

Nonetheless, social movements advocating for the acknowledgment and inclusion of sexual minorities have challenged the status quo with an aim of demonstrating that one's assigned sex can or cannot be congruent with one's self-identification, but rather, being male or female merely resembles two extremes on the gender spectrum. Despite such efforts, the legal and social advancements in eliminating homophobic behaviour in Lesotho have been stagnant. Most heterosexual individuals in Lesotho uphold the view that homosexuality is scandalous and as such, crippling all efforts made by the LGBTQ organization.

In comparison to the sub-Saharan African countries, western countries have shown elevated levels of acceptance and tolerance of non-heterosexual people (Kurze and Lamont 2022, chap. 15). Nevertheless, in Lesotho, homosexuals continue to endure discrimination and stigmatization based solely on their sexuality. Considering this, this paper explicates the historical and cultural understanding of homosexuality as a cultural norm in Lesotho; and examines the interrelation between homosexuality, patriarchy and homophobia. Underpinned by Bentham and Mill's philosophy of utilitarianism which seeks to maximise the overall happiness and well-being of individuals within a society, this paper advocates for inclusivity and the elimination of discrimination.

## 2. Historical and Cultural Outlook of Homosexuality in Lesotho

The assumption that homosexuality is incongruous with the Basotho traditional practices is relatively widespread throughout the country. This misconception is justified by the absence of same-sex sexualities or homosexual activities amongst Basotho in ethnographic records (Hartline 2013, 29). This gap in knowledge has led individuals to hastily conclude that of all African countries, Lesotho has historically been a purely heterosexual country. However, the dearth of evidentiary documentation about homosexual practices in pre-modern Lesotho, as Epprecht (2013, chap. 7) warns, should not be taken to imply that Lesotho is immune to homosexual occurrences since the prominence of heterosexual conduct upheld in Basotho culture is not necessarily discordant with inconspicuous sexual norms.

Homosexuality in Lesotho has been commonplace long before alien forces demonized men-to-men and women-to-women sexual practices. The history of homosexuality in Lesotho can be traced back to the early 1990's. As Maloka (1995, 9) recounts, the period 1920–1930 marked the period in Basotho history when Lesotho's economy fell into recession as it rapidly degraded from 'being a granary of South Africa to becoming a labour reserve.' For this reason, most Basotho men migrated to South African mines for labour.

The unprecedented migrancy of males in large numbers was not solely limited to Basotho men but it also extended across Africa hence resulting in long term segregation of men and women (Epprecht 2013, chap. 7). Away from their women, the men's sexual impulse would soon overwhelm them and as such, they would have to find other means of gratifying their sexual urges. In pursuance of releasing their sexual tension, African men at South African mines were forced to engage in romantic relationships with other men. These relations amongst African men were not merely casual sexual encounters but established marriages between men.

The sex between the mine husbands and wives, as Moodie *et al.* (1998, 231) purport, did not necessarily involve penetration, but rather, the husband would probe his phallus to and fro between the other men's thighs to facilitate the desired sexual release. Nonetheless, Epprecht (2013, chap. 3) observes that the nature of sexual activities between miners either involved anal penetration or would simply be an in-between-the-thighs sexual act. Although anal penetration was strictly prohibited and severely punished, one of Epprecht's informant on homosexual activities that took place in the mine compounds informed him that sexual acts involving penetration still occurred.

And since same sex relations emerged because of the prevailing conditions in which the mine workers found themselves in at the time, rather than surfacing due to their inbred homosexual orientation, these men would revert to their heterosexual orientation when they returned to their homesteads (Epprecht 2013, chap. 3). What is worth noting, however, is that not all men who went to south African mines would engage in homosexual practices nor was it mandatory for them to participate (Moodie *et al.* 1998, 231).

Unlike men from other African nationalities, Basotho men were misconstrued as men who maintained their heterosexual tendencies, and this misapprehension has awarded them the reputation of being men who were unsusceptible to the plaque of sodomy which was rampant in the South African labour compounds (Hartline 2013, 29). This view is corroborated by Maloka (1995, 305) who claims that Basotho men did not engage in same-sex practices which were a norm throughout South African mines, but rather, they would satisfy their sexual urges by being intimate with *matekatse* (female prostitutes). Other ethnic groups who had initially given a detailed account of male-to-male sexual activities that took place at the mines, unanimously testified that Basotho men did not partake in homosexual behaviour and this 'exonerated the Basotho of *unnatural vice*' (Epprecht 2013, chap. 7; emphasis added).

Contrary to these postulations, Hartline (2013, 29) notes that Lesotho shares with South Africa an interesting history of diverse sexualities which were however, often practiced discreetly and obscured from non-Basotho ethnicities. Both Basotho men and women, in pre-modern Lesotho, have engaged

in non-heterosexual behaviour and have had their fair share of exploring and expressing sexual desires with individuals of the same sex. Although Basotho men who laboured at South African mines had acquired a reputation of being immune to homosexuality, recent evidence has suggested otherwise. Epprecht (2013, chap. 7) writes that the snippets of information that have recently emerged suggest that ‘Basotho men with wives back in Lesotho enjoyed gratifying themselves upon the shapely buttocks of their fellow workers.’ Maloka (1995, 305) expresses sentiments which are contrary to Epprecht by claiming that it was impossible for Basotho to experience same-sex desires.

In rebuttal, Epprecht (2013, chap. 7) argues that Maloka’s claims about Basotho men not being liable to succumb to non-heterosexual sexual impulses is unfounded. He substantiates this by reporting that one of the informants explained that his husband was a Mosotho man who was married back home in Lesotho. The denial of homosexuality amongst Basotho men is fuelled by Lesotho’s culture which upholds masculinity through patriarchy (Hartline 2013, 29-30). This is to say that Basotho men, when in the mist of other ethnic groups, tended to present themselves as hyper-masculine, and yet when amongst themselves, they would inconspicuously perform sexual deeds with individuals of the same sex.

And although the evidence grounding the presence of homosexuality amongst Basotho men is heavily reliant on first-hand witnesses’ testimonies of individuals who engaged in such practices while working in the mines, there is documentation of same-sex conduct between females who were left behind as men migrated to South Africa. Contrary to male-to-male intimacy, homosexual practices between Basotho females did not prevail as an adaptive response to the lack of men following their migrancy to South Africa.

Engaging in heterosexual sex before marriage was prohibited and frowned upon as any such activities would yield undesirable consequences such as pregnancy, which would inevitably cast shame upon the families of individuals who participated in sexual deeds before marriage. Nonetheless, this did not restrict sexual expression or partaking in other alternative practices to induce sexual gratification in a manner that would not interfere with Basotho’s societal values. To avert familial shame that would result from pre-marital sexual intercourse, girls and women in pre-modern Lesotho participated in intimate relationships with each other and such erotic relations between women were not shrouded from the public, but were openly practiced and honoured (Kendall 1998, 221). As Gay (1979, 39) explains:

Parents generally approve of the bonds between girls as a way of postponing heterosexual affairs, but distinctly disapprove of male participation in the game. However, the very same institution which helps to protect adolescent girls and meet their emotional and physical needs through a prolonged adolescence at school or work, also stimulates sexual interests and introduces girls into heterosexual affairs.

This goes on to show that homosexual tendencies amongst Basotho were not only prominent amongst men but were also a common occurrence amongst women. Same-sex relations between women in Lesotho were known as ‘mummy’ and ‘baby’ relationships. This form of relationship was often initiated by either an older woman who, fancying a younger woman, asks her to be their baby while she becomes their mummy or the other way round (Gay 1979, 39). If the feelings were mutual between the two females, they would be referred to as *metswalle* (friends) rather than lesbians. Against the widespread belief that lesbian-like behaviour can only manifest itself if and only if there is an appreciation of the concept of lesbianism, Kendall (1998, 221) writes as follows:

What the situation in Lesotho suggests is that women can and do develop strong affectional and erotic ties with other women in a culture where there is no concept or social construction of “lesbian,” nor is there a concept of erotic exchanges among women as being “sexual” at all.

The fact that sexual contact between females does not involve penetration, as it is the case with male-to-female sexual activities, intimacy between women was not at all considered to be sexual. In connection to this, Epprecht (2013, chap. 7) explains that ‘Non-phallic activities that stimulated the genitals fell outside the category of ‘sex’ and consequently *ba ile nokeng* was not a cause for parental or wider societal concern.’ An instance of sex denotes penetration and as such, since these females would simply pleasure themselves by either pulling their partner’s labia or by rubbing their genitals together, this was distinct from when a man makes love to a woman. Murray and Roscoe (2001, 231) corroborate this as follows:

The girls do not describe these relationships as sexual, although they include kissing, body rubbing, possessiveness and monogamy, the exchange of gifts and promises, and sometimes, genital contact. Certainly, there are ample opportunities for Basotho women of various ages to touch each other, fondle each other, and enjoy each other physically. The fact that these activities are not considered to be “sexual” grants Basotho women the freedom to enjoy them without restraint, embarrassment, or the “identity crises” experienced by women in homophobic cultures like those of the United States and Europe.

If women chose not to terminate their relationships with other women after getting married to their husband, they were free to continue these fictive mommy-daughter relationships. Same-sex relations have been a norm in Lesotho amongst both Basotho men and Basotho women. But following the advent of Christianity which became widespread in several parts of Africa, these practices were demonized and labelled ‘unnatural.’ This led to the condemnation of homosexuality as a practice and as a topic of discussion amongst Basotho and all other ethnic groups who upheld the teachings of Christianity.

Murray and Roscoe (2001, xvi) explain that it was for this reason that ‘people began to forget that same-sex patterns were ever a part of their culture’ and this marked the beginning of the period in which ‘homosexuality became truly stigmatized.’ The rejection of instances of homosexuality as ever being an occurrence in Africa have legitimized homophobic behaviour. Up to date, members of the LGBTQ community in Lesotho continue to endure rejection and discrimination.

### 3. Problematizing Homosexuality

Homophobic attitudes and acts in Africa by Africans have been legitimized by African political leaders who overtly condemn and label homosexual behaviour as unnatural and un-African. This is evidenced by Gbesan (2020, 128) who notes that a senior politician in Zimbabwe publicly expressed his loathe for sexual minorities by asserting that homosexual acts are paradigmatic of sub-animal behaviour worse than that of pigs and dogs; and that the public should deal accordingly with anyone suspected of such abhorrent acts. Chan (2013, 217) explains that this dehumanizing comment, served as invitation for Zimbabweans to focus their efforts on finding ways of harassing homosexuals and excluding anyone exhibiting homosexual tendencies from the society.

In the same vein, Mawerenga (2018, 157) identifies that another government official in Kenya denounced homosexuality as an immoral western import that is incompatible with African traditions and cultural norms. Same-sex conduct in Africa has been deemed to be an abhorrent colonial legacy that was reinforced by westerners during colonialism. Not only are these postulations unsubstantiated by historical research into African sexuality, but such attempts by African leaders to present Africa as a pure and sodomite-free continent, have painted a picture-perfect representation of Africa as homophobic.

Public attacks by government officials aimed at homosexuals not only endorse homophobia but actively set the scene for discrimination and hate violence on people based solely on their sexual orientation. Gender nonconforming individuals have suffered gendered violence which has

manifested itself through verbal, emotional, and sexual violation by heteronormative members of the society. This makes it difficult for LGBTQ people to openly express their sexual preferences or engage in romantic relationships with sexual partners of their choice. Mavhandu-Mudzusi (2017, 216) observes that the negative perception of LGBTQ individuals not only affects their general wellbeing but also deprives them of their freedoms and rights.

Murray and Roscoe (2001, xv) report that in African societies, particularly those in which 'western influences (notably Christianity and Marxism) have been strong, the belief that homosexuality is a decadent, bourgeois, Western import has become common.' African scholarship has contributed immensely to demystifying misconception about the origins of homosexuality in Africa. Against the widely accepted myth about homosexuality as un-African, research indicates that the presence of homosexuality in pre-colonial sub-Saharan African societies predates European colonial powers (Kendall 1998; Murray and Roscoe 2001; Tamale 2003; Msibi 2011; Kintu 2017; Gbesan 2020; Westman 2023).

Following this line of thought, Murray and Roscoe (2001, xvi) explain that 'The colonialists did not introduce homosexuality to Africa but rather intolerance of it— and systems of surveillance and regulation for suppressing it.' British colonial powers introduced sodomy laws in Africa to suppress and prohibit homosexual activities that were prevalent in traditional African societies. For example, SMUG (2014, 3) identifies that laws criminalizing same-sex relations in Uganda were established by colonial forces in 1902 and 1950 to abolish homosexuality because they perceived it as an instance of morally impermissible sexual tendencies.

The enforcement of these laws not only rendered the topic of homosexuality a taboo topic in Africa but also condemned it based on European and not on African moral standards (Murray and Roscoe 2001, xvi). The constant disapproval and demonization of homosexuality in African societies prompted a moral panic throughout African societies. And as a result, Africans have come to argue that homosexuality is incompatible with African customs and values. Considering this, an increasing visibility of homosexual individuals in Lesotho has heightened the disapproval of people whose sexual orientation deviates from what is considered normal in a heteronormative society.

Gender nonconforming individuals in Lesotho experience discrimination and are stigmatized in all facets of life and this has led to internalized homophobia and self-stigmatization which paves way for agony and mental strain (Stahlman et al. 2015, 2). Discrimination of homosexual individuals is a common occurrence amongst peers in Lesotho: as soon as one openly declares their sexual orientation as either lesbian, gay, bisexual, transgender, or queer, their peers tend to disassociate themselves from the said person in order to avoid also being labelled as either *ra-'nyeo*, *seqoai*, *ma-after nine*, *setabane*, or *phathakalle* (derogatory terms used to refer to members of the LGBTQ community in Lesotho). Negative attitudes against homosexuals expressed by members of the society have fuelled the rejection of people who do not conform to the traditional understanding of gender and sexuality.

In collaboration with the Matrix Support Group, Logie *et al.* (2019, 5) revealed that gender nonconforming individuals in Lesotho encounter discrimination from both communal and structural domains of life. Homosexuality is mainly associated with familial shame to an extent that families would rather disown and renounce any relations with any member of the family identifying as homosexual. The absence of laws denouncing homophobic attitudes or actual instances of homophobic acts in Lesotho further cripples positive developments. And the reason for this lies mainly in the fact that despite the efforts of the government of Lesotho in decriminalising homosexuality, the laws in Lesotho do not prohibit discrimination and hate crimes against individuals based solely on one's sexual orientation (Bainbridge 2022, chap. 4).

#### 4. The Intersectionality of Patriarchy, Homosexuality and Homophobia

Patriarchy defines Basotho communities: males are the dominant sex while females are perceived to be inferior. The hierarchy of sexes is traditionally composed of only two sexes: being males and

females, such that men are at the pinnacle of the hierarchical structure and women are at the lower point. The homophobic rhetoric, propagated by heterosexual men, has validated the falsehood that describes homosexual behaviour as a phenomenon that has never been part of Basotho's customs and practices. Subsequently, fuelling the denial of homosexual reality in modern-day Basotho society.

The enduring myth about homosexuality as something that surfaced amongst African societies post-colonialism has been employed by Basotho Patriarchs to dismiss any allegations of the presence or practice of the unnatural vice in Lesotho (Epprecht 2013, chap. 7). Nonetheless, homosexual relations, to begin with, were not abhorrent practices as patriarchs portray them to be and worse still, they fail to mention that they themselves have had the liberty and privilege of participating in same-sex relations for sexual gratification (Epprecht 2001, 137). In traditional Basotho communities, homosexual behaviour was honoured and not perceived as morally wrong or dangerous to the societies' firmly held values. Same-sex relations in present-day Lesotho are in discordance with Basotho's patriarchal values. Same-gender relationships and heterosexuality are at polar ends with each other. Lesotho's patriarchal framework presents a system of power dynamics which endorses heteronormativity whilst suppressing non-cisgender behaviour despite cultural shifts.

Hartline (2013, 7) asserts that 'Homophobia, and for that matter heteronormativity, are situated within a greater system of power relations... which work to uphold heteronormative standards whilst marginalizing non-heteronormative desires and behaviours. . . .' Male-to-male relations are considered to be a threat to masculinity. The idea is that males are the dominant sex, and homosexuality reduces the status of men in society to womanhood or more blatantly, to inferiority. This would strip men off their dominance on women: a supposedly undesirable consequence.

To reassert their supremacy, heterosexual men have taken it upon themselves to maintain the patriarchy in society by resorting to abuse and violence. To prevent divergence from cisnormativity, Basotho men have internalized homophobic attitudes and acts, and this is corroborated by individuals who have experienced discrimination and exclusion. Poteat *et al.* (2015, 7) notes that in describing the resentment and abuse of non-heteronormative individuals, the key informant in their study explained that men have made it a norm to make sexual threats. The informant puts it as follows: 'they really like to say, "I can rape you" or "if I ever get you at night, I'll rape you" those kinds of things.' Homosexual individuals are menaced by such remarks which often translate into actual rape. The absurd rationale for this homophobic behaviour is that these men claim to remind and put women (lesbians) and those who act like women (transgender individuals) in their rightful place: which is below and unequal to that of men.

Lesbians today, in comparison with women who took part in same-sex activities in traditional settings, cannot freely choose their preferred sexual partners and express their sexuality without risking sexual abuse from heterosexual men. The rights and freedoms of non-binary individuals continue to be violated by men who have made corrective rape a norm: men sexually abuse lesbians with the intention of restoring the heteronormative order through rape which is believed to remind lesbians that they are woman and thus, can never be men (Schäfer and Range 2014, 13). This has not only deprived homosexuals in general their freedom to express their sexuality but their freedom of movement since they remain in constant fear of being sexually harassed or raped. One informant, according to Logie *et al.* (2020, 3467) shared their experience of rape:

When I got raped for the first time, I got raped by seven men. I am HIV positive because of that experience.

The system of power relations in Lesotho has legitimized homophobia in Lesotho as members of the LGBTQ community are constantly degraded and marginalized. Likewise, gays also face abuse, both verbal and sexual, from heterosexual men. In Lesotho, there is no such thing as queer muscularity: one is either masculine or not. It is for this reason that gay men are reduced to femininity and are often offensively referred to as women. Gay men, in an analogous manner as lesbians and



transgender people, face threats of rape and sexual abuse. The challenge faced by gay men is that they cannot report their experiences or seek justice because they end up being blamed for having invited rapists by acting like women.

Unprovoked, men will initiate aggressive brawls with gay men and violently thrash them as a way of reminding them that they are men. And in certain instances, such attacks on gay men have been lethal and this is corroborated by snippets of evidence indicating the consequences that violent attacks on sexual minorities have, for they have resulted in death, where it would later be realized that something dreadful was done to the victims thus leading to their demise (Logie et al. 2020, 3467). In addition, Baral et al. (2011, 6) demonstrate that non-heterosexual individuals in Lesotho endure abuse, and over 76% of them reported to have experienced at least one of the various forms of discrimination which overtly led to their exclusion from society. Similarly, bisexual people have come to be referred to as *ma-after nine* because they opt to disclose their sexual orientation to like-minded people late at night in order to preclude discrimination. As Armitage (2020, 28) observes, patriarchs tend to justify discriminatory tendencies by claiming that their hostility towards non-binary individuals is simply a natural response to homosexuality.

However, most heterosexual women have presented themselves as more accepting of non-heterosexual individuals because, like them, they are still suffering ill-treatment under the dominance of men. Gay men are most likely to be seen around women and the reason for this is that heterosexual men do not want to be seen around gay men lest they risk being labelled as homosexual. For men, it is either you absolutely disprove of same-sex relations, or you do not, and if one ascribes to the latter position, it automatically follows that one is a member of the LGBTQ.

The traditional and community norms within Basotho society place emphasis on patriarchal values thus reviving negative attitudes and homophobic behaviour targeting sexual minorities. The experiences of individuals whose sexual orientation and gender identity deviates from the norm are paradigmatic of the magnitude of how patriarchy reinforces homophobia in Lesotho. To ward off discrimination and exclusion from society, sexual minorities are *forced* to disguise their true sexual orientation by pretending to be heterosexual whilst discreetly being involved with their preferred sex. Most men have gone as far as marrying women as a public façade; and the married women are often referred to as '*telu*' (beard) because they help define a queer man's masculinity.

## 5. A Moral Framework For Homosexual Conduct

The abhorrence of homosexuality, which is fuelled by societal prejudice, has substantiated the conviction that same-sex relations are morally wrong. This not only restrains non-heterosexual individuals from satisfying their sexual impulses but also deprives them of the pleasure that follows thereafter. Considering this, the punishment and condemnation of the varied modes of sexual gratification deviant from heteronormativity as morally wrong becomes unwarranted on utilitarian grounds.

Utilitarianism is a moral theory that deems actions morally permissible if and only if the consequences of such actions promote overall happiness and pleasure whilst minimizing or alleviating pain. From a utilitarian perspective, legitimizing hate crimes and social stigmatization on members of the LGBTQ community is morally wrong as not only does it prohibit non-heterosexual individuals from satisfying their sexual urges but also, intensifies pain which results from involuntarily suppressing one's sexual needs, hence interfering with the pleasure which would result from companionship and fulfilling the desired sexual release.

By appealing to the principle of utility, nonetheless, any conviction that serves to denounce homosexual conduct proves unwarranted. The principle of utility, as Bentham (2013, 11) explains, denotes that every course of action that human beings undertake, should be such that the consequences they yield lead to the gratification of happiness or pleasure and the avoidance of pain. The rightness or wrongness of an action, therefore, is judged solely based on the consequences. To challenge the



view that homosexuality is an unnatural vice, as most Basotho heteropatriarchs claim, an application of the principle of utility is necessary.

To begin with, Strasser (2006, 288) indicates that within any given community, the delights or desires of certain members of a community may correspond with those of other members but this does not necessarily entail that such needs or desires are in anyway identical. There is a need for sexual release as one matures into adulthood, and it is from the satisfaction of one's sexual desires that one can derive sexual pleasures. To refrain homosexual people from engaging in sexual relations with their desired partners merely because one is disgusted by such sexual tendencies does not provide a substantial ground for considering homosexuality as perverted.

There is nothing inherently wrong if free consenting adults of the same sex voluntarily decide to participate in sexual activities which would award both with immense pleasure, regardless of how bizarre the sexual conduct is (Meyers 2015, 204). Following the same line of thought, Calzetta (2014, 296) argues that the acts of punishing or discriminating against certain acts of sexual engagement which involve undeceived consent are anti-utilitarian, since such attitudes intensify the general amount of pain and suffering on a considerable number of individuals, and as such, resulting in the diminution of pleasure. Nonetheless, embracing homosexual relationships would not only result in a positive contribution towards the overall mental and physical well-being of non-heterosexual people but it would also minimise harm by diminishing prejudice, discrimination and stigmatisation of the LGBTQ individuals.

For one to identify as either lesbian, gay, bisexual, transgender or queer, and to engage in sexual conduct with someone whose sexual orientation aligns with that of their partner cannot be classified as amoral since this does not inflict pain or harm to oneself or to others. It is for this reason that Meyers (2015, 206) insists that to reject homosexuality merely out of revulsion is not sufficient to override the amount of happiness or pleasure which couples of the same sex attain in engaging in erotic relationships. The idea here is that human beings have different preferences, and one's preference —where it pertains sexual partners or sexual orientation— should not hinder others from preferring things which produce the greatest amount of pleasure for them.

It is unreasonable therefore, for Basotho patriarchs to interfere with the rights and freedoms of homosexual individuals merely because they deem homosexuality as morally wrong and unnatural. As Foucault (1978, 105–6) asserts, sexuality is simply a historical and social construct which is informed by different societal norms rather than the natural or biological aspect of our being. Following the same line of thought, Rubin (1975, 166) argues that 'Sex as we know it —gender identity, sexual desire and fantasy, concepts of childhood— is itself a social product.' Considering this, the acceptance and acknowledgement of diverse sexual orientations within the Basotho society would maximize social harmony and also award members of the LGBTQ community their freedom and rights thus promoting the overall happiness of sexual minorities in general.

In a similar manner, Mill (1999, 55–56) argues that the desires and tastes of every human being should be framed in a way that is in agreement with one's character, and pursued bearing in mind that the consequences that may follow do not impede others from pursuing their desires regardless of how their tastes may appear strange, wrong or unnatural; but provided their acts do not cause harm to others. The argument here is that homosexual individuals should be allowed to exercise their liberties and pursue what is good for them in a way that best suits them without any interference from the state or members of the community who spitefully enforce their values upon others.

The principle of utility exonerates members of the LGBTQ community from the postulations that render their behaviour unnatural, alien, and immoral. Not only does discrimination heighten the amount of pain and suffering for sexual minorities but it also impedes them from fulfilling their interests and desires. What is morally wrong therefore, is the constant abuse, stigmatization, and exclusion of homosexual people solely on the ground of the falsehood that renders homosexual conduct incompatible with Basotho culture. To believe that homosexual conduct is not good, is

reasonable, but on the other hand, it is outrageous and morally impermissible to act on one's disapproval thus inflicting pain on others for the mere fact that the other's preferences conflict with the cultural values that one upholds. As Calzetta (2014, 296) submits:

A conduct that is biologically compulsory, like sexual gratification, cannot be deterred without causing a disproportionate amount of pain to the subject of punishment. If one also takes into consideration that conduct is consensual and that nobody is actually harmed, then commission of said conduct does not decrease the amount of happiness of the greatest number.

In other words, to be taken aback by same-sex copulation or to loathe homosexual individuals in general, does not provide sufficient ground to instigate hostile attitudes and actions with the intention to deter sexual minorities from partaking in deeds that result in sexual pleasure despite how distasteful it may seem to the public. The principle of utility places emphasis on prioritizing the overall happiness of everyone involved and alleviating pain, and from this, it can be argued that to uphold patriarchal values in a manner that hinders sexual minorities from freely expressing themselves and attaining pleasure without harming anyone, cannot, on utilitarian grounds, be justified.

## 6. Efforts made to Eliminate Homophobia in Lesotho

The constitution of Lesotho makes no pronouncements about same-sex activities between women and as such, lesbianism was never legally prohibited. Inasmuch as same-sex conduct between females is not criminalized in Lesotho, this neither implies that female homosexuality is legal, nor does it denote that lesbians can openly express their sexual orientation and enjoy the same freedoms and rights as those engaging in heterosexual relations.

Male-to-male eroticism was explicitly prohibited by the sodomy law which criminalizes homosexual behaviour with special reference to men (UNESCO 2016, 36). Male homosexuality in Lesotho, on the other hand, was only decriminalized in 2012 (Bishop 2021, 224). Despite such advancements, there are no legal provisions that offer protection or prohibit discrimination against individuals of diverse sexual orientations. The negative perception of same-gender relationships has been systematically woven into the social fabric of Basotho communities as something dissident to African cultural practices and customs.

In Lesotho, the Matrix Support Group is the only officially registered LGBTQ non-profit organization which aims at advocating for the rights and freedoms of sexual minorities and at educating Basotho about matters concerning homosexuality (Poteat *et al.* 2015, 3). Although this LGBTQ organization was established as far back as 2008, not much progress has been made in compelling the legal sector in Lesotho to enact and pass laws which protect and deter homophobia. The main initiative by the government was to decriminalize homosexuality in Lesotho. In so much as homosexuality is not overtly criminalized in Lesotho, the lack of laws that acknowledge the rights of homosexual people in Lesotho continue to impede a social advancement towards a more inclusive and accepting Basotho society.

Despite efforts of the Matrix Support group in shedding light to the public about sexual orientation, heterosexual individuals are still of the idea that non-heterosexual individuals have chosen to deviate from heteronormativity and that their attempts to fight for their rights is simply an attempt at seeking special treatment from the rest of the community. But such assertions are intended to serve as justification for the constant attack on homosexuals. Even so, what homophobes fail to recognize is that if being non-cisgender was a choice, members of the LGBTQ could have chosen otherwise and saved themselves from social stigma, emotional trauma, bullying, and missing out on healthy psychological development hindered by the suffering inflicted on them for the mere fact that their sexual orientation differs from what has been naturalized as normal.

Deconstructing the ideology of patriarchy in Lesotho for a more inclusive society does not necessarily denote stripping men off their masculinity but an attempt at acknowledging homosexuals as legitimate members of society. Provided that the patriarchal system in Lesotho remains intact and continues to endow men with authority to suppress non-heteronormative sexual orientations, all efforts to fight for the liberation and acceptance of homosexual individuals in the Basotho society shall remain futile.

## 7. Conclusion

Same-sex practices have since been a commonplace in pre-modern Lesotho and were not only honoured but were perceived to uphold societal values amongst Basotho. The condemnation of homosexuality through religious ideologies has caused a moral panic throughout African societies. African Patriarchs continue to legitimize homophobia by propagating anti-LGBTQ sentiments as means to suppress the presence of non-heteronormative sexual orientations. The rights and freedoms of homosexual individuals are overlooked as these sexual minorities continue to suffer abuse from individuals who have chosen to be ignorant of the various facets of sexuality and gender identity. The main challenge which the LGBTQ advocacy organization faces is that the duty-bearers in Lesotho are the very same patriarchs whose attitudes towards homosexuality are negatively shaped. It would follow then that for homosexuality to be acknowledged as one of the facets of sexuality in Lesotho, this would demand extensive revision of the socio-cultural norms that shape the Basotho society. This not only entails rigorously questioning power relations in Lesotho but also involves challenging the patriarchal system which has exerted dominance over sexual minorities and subsequently leading to their oppression.

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